

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2778 – SB 2832

March 30, 2010

SUMMARY OF AMENDMENT (015906): Deletes all language after the enacting clause. Creates a process for a relative to petition the court for an order of protection, for a period of time not to exceed 120 days, for an adult who is unable to protect him or herself from abuse, neglect, exploitation, or misappropriation of real or personal property. A “relative” is defined as a spouse, child, stepchild, adopted child, foster child, parent, stepparent, adoptive parent, or foster parent, sibling, half-sibling, step-sibling, grandparent, aunt, uncle, niece, or nephew. Exempts a person while in the custody of an intermediate care facility for persons with mental retardation (ICF/MR) or a person receiving residential services or other services from a community provider contracted with the Division of Intellectual Disabilities Services (DIDS) from the adults that a relative can petition the court for an order of protection under the provisions of the bill. Creates a Class A misdemeanor for an individual to violate the newly created order of protection.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - Not Significant
Increase State Expenditures – Not Significant

Increase Local Revenue – Not Significant
Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

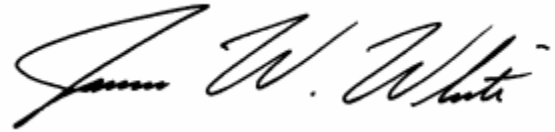
- The Department of Human Services (DHS) has to be notified of the filing of a petition for an order of protection for an adult relative and DHS may intervene in the proceeding. Currently, the Department can file a petition if it determines that an adult is in need of protective services. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Granting a relative authority to file a petition with the court for an order of protection for an adult who is unable to protect him or herself will not result in a significant number of

adults entering into protective services. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- There will not be a sufficient number of prosecutions for local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/kml